

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Pasadena Avenue Monterey Road Committee,

Complainant,

vs.

Los Angeles County Metropolitan Transportation  
Authority, the Los Angeles to Pasadena Metro  
Blue Line Construction Authority, and the City of  
South Pasadena,

Defendants.

Case 06-10-015  
(Filed October 10, 2006)**ORDER EXTENDING STATUTORY DEADLINE****Summary**

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases, such as this one, shall be resolved within 12 months of initiation unless the Commission makes findings as to why that deadline cannot be met and issues a decision extending that deadline. In this proceeding, the 12-month deadline for resolving the complaint is October 11, 2014. However, additional time is necessary for the presiding officer's decision to be issued for the reasons stated below. Therefore, this decision extends the time for completion of this proceeding until October 11, 2015.

No anticipated costs of this extension of time are foreseen.

## **Background**

This proceeding involves a complaint filed by the Pasadena Avenue Monterey Road Committee (the Complainant), alleging that the Los Angeles County Metropolitan Transportation Authority (MTA), the Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority), and the City of South Pasadena (City) (jointly, the Defendants) have failed to comply with a number of measures required by the settlement agreement approved by the Commission in Decision (D.) 05-02-032, and modified in D.05-09-040 (the Settlement Agreement). The Complainant also alleges that results of noise tests required by D.05-02-032 have not been provided. MTA and the Construction Authority contend that the Commission lacks jurisdiction over some or all of the subject matter in the complaint.

Early in this proceeding, parties agreed to delay formal proceedings to allow further work in implementing the settlement agreement. In a September 2013 Status Report, the City confirmed that it had completed all but one of its measures from the settlement agreement: the Glendon Way – El Centro reconfiguration project, which was anticipated to be completed by the end of September 2013.<sup>1</sup>

On July 31, 2014, the assigned Administrative Law Judge issued a Ruling requesting parties to respond to three sets of questions regarding a) the remaining issues in this proceeding, b) the specific issue of jurisdiction, and c) the need for hearing. In addition, the Ruling required the City to file documents related to the completion of the Glendon Way – El Centro project.

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<sup>1</sup> September 2013 Status Report of Defendant City of South Pasadena, September 4, 2013.

## **Discussion**

Despite disagreement regarding the requirements of the settlement agreement, the Defendants contend that work has been completed in implementing the settlement agreement. Therefore the Commission can move forward with formal proceedings on this matter. However, additional time is needed to complete this proceeding so that the Commission may first address the jurisdictional issue and, if appropriate, hold hearings and address the remaining issues of this proceeding.

Based on the current status of the case, this proceeding cannot be completed by October 11, 2014. An extension of time for an additional 12 months is necessary for resolution of this matter.

## **Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline set forth in Pub. Util. Code § 1701.2(d). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

## **Assignment of Proceeding**

Michael Picker is the assigned Commissioner and Kelly A. Hymes is the assigned ALJ in this proceeding.

## **Findings of Fact**

1. Parties agreed to delay formal proceedings to allow further work in implementing the settlement agreement.
2. The Defendants contend that the settlement agreement has been implemented following the completion of the Glendon Way – El Centro project.

3. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before October 11, 2014, unless this date is extended.

4. Although Defendants have continued to make progress toward completion of the mitigation measures, additional time is needed for the issuance of the presiding officer's decision because of the complexity of this matter and to consider other issues raised by the parties.

### **Conclusions of Law**

1. The Commission should move forward with formal proceedings now that the Glendon Way – El Centro project has been completed.

2. It will not be possible to resolve this case within the 12-month period provided for in Pub. Util. Code § 1701.2(d).

3. The 12-month statutory deadline should be further extended for 12 months to allow for resolution of this proceeding.

**IT IS ORDERED** that that the 12-month statutory deadline in this proceeding, October 11, 2014, is extended for an additional 12 months, until October 11, 2015.

This order is effective today.

Dated October 16, 2014, at San Francisco, California.